

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DERRICK D. MARTIN,
Plaintiff,

No. C 11-2942 SI (PR)

ORDER OF DISMISSAL


v.

M. SEPULVEDA, et al.,
Defendants.

This is a federal civil rights action filed by a *pro se* state prisoner pursuant to 42 U.S.C. § 1983. Pursuant to plaintiff's motion of voluntary dismissal (Docket No. 14), this action is dismissed. *See* Fed. R. Civ. P. 41(a)(1) ("[A]n action may be dismissed by the plaintiff without order of the court . . . by filing a notice of dismissal."); *Hamilton v. Shearson-Lehman American Exp. Inc.*, 813 F.2d 1532, 1534–1536 (9th Cir. 1987) (Rule 41(a)(1)(I) does not require leave of court to dismiss the action). The dismissal is without prejudice. *See* Fed. R. Civ. P. 41(a)(1). Defendants' motion to dismiss (Docket No. 10) is DENIED as moot. The Clerk shall enter judgment in favor of defendants, terminate Docket No. 10, and close the file.

IT IS SO ORDERED.

DATED: February 3, 2012



SUSAN ILLSTON
United States District Judge